



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Albert K. Chin

Serial No.: 09/413,012

Filing Date: October 05, 1999

For: TISSUE DISSECTOR APPARATUS

Group Art Unit: 3731

Examiner: Nguyen, Vi X

Confirmation No.: 1400

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement (IDS) are being brought to the attention of the Office and are listed on the attached form PTO/SB/08a/b.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant(s) is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant(s) as such.

1. Fee:

- ☐ Charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☒ Applicant believes that no fee is required for this submission. However, if Applicant is mistaken, then please charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

2. Statement Under 37 CFR § 1.97(e):

- ☐ That each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or

☐ That no item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of the IDS.

3. Copies of the Cited Items:

☐ Copies of all of the items listed on the attached PTO form 1449 are enclosed.

☒ Copies of the following items listed on the attached form PTO/SB/08a (Item Nos. 1 – 65) and PTO/SB/08b (Item Nos. 1 – 383) are enclosed.

☐ Copies of the following documents listed in PTO/SB/08b are not supplied as they were previously cited by the Office or submitted in Information Disclosure Statements in related applications and relied upon in this application for an earlier filing date under 35 USC § 120. See 37 CFR § 1.98(d). The Examiner is requested to make these documents of record.

3. Concise explanation of relevance

The relevance of all non-English references cited in the subject IDS is that they were obtained from a litigation case: “In the matter of certain vein harvesting surgical systems and components thereof” before the United States International Trade Commission, Investigation No. 337-TA-645.

4. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; and
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08a/b with initials or other appropriate marks. In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicant(s) petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 501105**.

referencing 06-00550US03. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: July 02, 2010

By: 
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